

under 35 U.S.C. § 103(a) as being unpatentable over Domain et al (“Domain”) in view of Ishida et al (“Ishida”). Claims 4-11, 20-23, and 30-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Domain in view of Ishida and Hain et al (“Hain”). Claim 29 was not rejected and its allowance is greatly appreciated.

**Objection To The Drawings**

The Action states that the “Drawings are objected to for failing to distinctly and clearly label on the elements with appropriate legend as required under 37 CFR 1.84(o).”

It is noted that 37 CFR 1.84(o) states “*Legends*. Suitable descriptive legends may be used, or may be required by the Examiner, where necessary for understanding of the drawing, subject to approval by the Office. They should contain as few words as possible.”

Applicants can only speculate as to what “legends” (suitable descriptive words) the Patent Office desires in the drawings. The Action is silent as to what words should comprise the requested “legends” and where these “legends” should be placed in the drawings. For these reasons Applicants respectfully submit that they are unable to fully address the Action until the Patent Office clarifies the drawing objection.

Applicants have carefully reviewed the drawings. It is respectfully submitted that all features that are essential for a proper understanding of the disclosed invention are shown in the drawings. Furthermore, the reference numerals in the drawings correspond to the reference numerals in the Specification. It is respectfully submitted that the objection to the drawings, as best understood, has been overcome.

**The Pending Claims Are Not Obvious in View of the Cited Art**

In the Action, claims 1-3, 12-19, 24-28, and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Domain in view of Ishida. Claims 4-11, 20-23, and 30-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Domain in view of Ishida and Hain. These rejections are respectfully traversed.

**Brief Description of the Invention**

The exemplary embodiment of the present invention is a system (10) for carrying out transactions. The system includes customer stations (18) and a service provider (SP) station (14). The system is operated in a building (12) or other facility. The building comprises an interior area which includes an interior wall. The SP station is housed in the interior area. At least one component of the customer station is positioned within the interior area in supporting connection with the interior wall. The SP station may be located in a secure room (36) of the building.

Audio and video communications may be established between customers at the customer stations and a service provider at the SP station. Items may be exchanged between customers and the service provider through carriers (26) transmitted through a pneumatic tube system (22). A video material presentation device (50) provides promotional or other video material which is presented on displays at the customer stations. Video material is presented to customers when the customer station is not in communication with the service provider station. The customer stations are readily installed and configured in the transaction facility to maximize the floor space available for other purposes.

**The Cited References Do Not Disclose or Suggest  
the Features and Relationships Recited in Applicants' Claims**

Before a claim may be rejected on the basis of obviousness, the Patent Office bears the burden of establishing that all the recited features of the claim are known in the prior art. This is known as *prima facie obviousness*. To establish *prima facie* obviousness, it must be shown that all the elements and relationships recited in the claim are known in the prior art. MPEP § 2142.

Absent a showing of a teaching, suggestion or motivation to produce a claimed combination, an obviousness rejection is not proper. *Panduit Corp. v. Denison Mfg. Co.*, 810 F.2d 1561, 1568, 1 USPQ2d 1593 (Fed. Cir. 1987). *In re Newell*, 891 F.2d 899, 901, 902, 13 USPQ2d 1248, 1250 (Fed. Cir. 1989).

The teaching, suggestion or motivation to combine the features in prior art references must be clearly and particularly identified in such prior art to support a rejection on the basis of obviousness. It is not sufficient to offer a broad range of sources which make conclusory statements. *In re Dembiczaik* 50 USPQ2d 1614, 1617 (Fed. Cir. 1999).

It is respectfully submitted that the Action does not meet this burden.

**The Invention is Not Obvious in View of the  
Combination of Features in Domain and Ishida**

**The Domain Reference**

Domain discloses a vendor complex in which customers can order and receive a variety of goods and services from different vendors. Customers receive delivery of the goods without ever having to leave their vehicle (Column 9, lines 37-45). The Domain system has six customer

stations (14). Customer vehicles are routed from a vehicle stacking area which is a single file line, to the first available customer station by indicator lights (Column 16, lines 25-39).

When a customer's vehicle arrives at a customer order station (14) a magnetic sensor senses the vehicle. A clerk in the facility is notified that a vehicle is positioned near the customer station. The clerk can also see the vehicle from a clerk station (26) through a window (28) (see Figure 3). When the customer's vehicle pulls up to the customer order station, the indicator light for that station which is visible to other drivers changes to red to show other customer vehicles waiting in line that station is not available (Column 16, lines 39-46).

Each customer order station (14) is connected to a two-way audio system (54). The audio system enables the customer in the vehicle to speak with an order clerk in the clerk's unit (28) inside the complex (Column 11, lines 38-42).

The customer order station also includes a video display. The video display is operated by a microprocessor terminal which is controlled by the clerk. The video display shows a split screen. One side of the screen includes a list of available goods and services in categories that the customer has indicated they are interested in. The other side of the split screen shows a list of goods and services the customer has ordered. The display also shows the prices for the items that the customer has ordered (Column 11, lines 43-56).

The Domain customer order station (14) also has a camera (58) positioned thereon. A video display is positioned adjacent to the order clerk. The camera is connected to the video display so that the clerk can see the customer. The clerk views the customer so that if the customer is buying liquor the clerk can determine the customer's age. If the customer is requesting to cash a check, the order clerk can ask to see the customer's driver's license which

normally has a photograph. The clerk can use the photograph on the driver's license to verify the identity of the person presenting the check (Column 11, line 57-Column 12, line 3).

A pneumatic transfer system also extends between the customer station and the clerk. Carriers move in the pneumatic system between the customer order station and the clerk. The carriers are used to transport cash, checks, debit cards, credit cards, food stamps, driver's licenses and similar items (Column 4, lines 4-13).

The customer places their order and makes payment to the order clerk at the customer order station (14). The customer is then told to drive to one of nine pickup stations (16). The various vendors in the facility are notified of the goods the customer has ordered. The vendors place their respective goods on conveyors which move the goods to the designated pickup station. A dumbwaiter elevator then moves the goods down to the designated pickup station. A drawer (68) extends outward so the customer can take the goods without having to leave their vehicle. The customer may then drive out of the facility (Column 19, line 22-Column 20, line 10).

### **The Ishida Reference**

Ishida is a video conference system that uses a public ISDN line for communication between a center station (2) and remote stations (3, 4). The system is designed to provide security to avoid connection by unauthorized devices through the public ISDN line (Column 11, lines 37-63).

The remote stations each have a screen (11) and a conversation camera (15) for capturing the image of a user. The remote stations also each include a speaker (372) and a microphone

(321). Each remote station also has a conversation key (232) that can be pressed by a user to initiate a conversation with a person at the center station. There are also keys at the remote station that can be pressed to indicate an emergency (Column 6, lines 39-58). The remote stations also include a monitoring camera (12) which monitors the room in which the remote station is located (Column 5, lines 23-25). The remote stations may also include a facsimile machine (Column 6, lines 15-17) as well as a "hand write device" which is apparently a digitizing tablet (Column 15, lines 45-49).

The center station includes a screen (6) and a camera (7). The center station also has a facsimile machine (8) and a controller (9) (Column 5, lines 11-19). The center station controller has a control panel with lamps to indicate when a person at a remote station has requested a conversation. This is done either by pressing a key at the remote station or by a person being sensed in the room which includes the remote station. The control panel also allows the operator or "guide" to control and initiate communications through the microphone. The operator can also control the cameras as well as fax transmissions. Fax transmissions are used for providing faxes of maps or written instructions to persons at the remote station. The center station may also include a "hand write device" like that at the remote stations (Column 7, lines 13-39; Column 8, lines 46-52; Column 9, lines 26-34).

The center station is used to communicate with persons at the remote station. The description in Ishida is that the "guide" at the center station provides directions and information in response to inquiries at the remote station. If the guide at the center station has an inquiry at another remote station while servicing a person at a first remote station, the guide disconnects the first station to put the call on hold and connects to the second station (Column 9, line 59-Column

10, line 26). The guide can connect to the various terminals through the ISDN line. After termination of a conversation the remote station sits in a wait state. Alternative forms of the invention may include placing the remote stations in a vestibule. The vestibule may have included therein a separate audio output device which provides playback of an audio output indicating the services that are offered (Column 16, lines 27-32).

**The Pending Claims Are Not Obvious in View of the Applied Art**

In the Action, claims 1-3, 12-19, 24-28, and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Domain in view of Ishida. The Action however does not provide Applicants with the benefit of a claim-by-claim analysis and the basis for the assertions made. Rather the Action presents a single rejection for 17 different claims. For this reason Applicants are unable to fully address the Action and speculation is required as to where the Patent Office believes that the features of the invention are found in the cited art. Further there is no citation in the Action to any teaching, suggestion or motivation in the prior art to combine features in the manner asserted in the Action.

Applicants have attempted to respond to the assertions in the Action to the extent possible, but request clarification and a further opportunity to address any rejections once a basis for rejection of each individual claim has been presented.

Applicants traverse these rejections on the grounds that Applicants' claims recite features which are neither disclosed nor suggested in the prior art and because there is no teaching, suggestion or motivation to combine any features of the applied references so as to produce

Applicants' invention. The features recited in Applicants' claims patentably distinguish over the applied references.

**Claim 1**

Claim 1 recites features of an exemplary embodiment of Applicants' transaction system. The claimed invention relates to a transaction system that is confined within a building, but which provides better service and enhanced security by separating the customer stations and the service provider stations. An advantage of Applicants' system is that a single service provider can service several customer stations, and can service the customers in the proper order despite the fact that customers may approach different customer stations.

Claim 1 specifically recites a service provider station having a visual display, a camera, audio transmitting and receiving devices, and a pneumatic tube carrier delivery and receiving device. Claim 1 further recites a customer station having a display which is connected to the camera at the service provider station. The customer station also has a camera that is connected to the display at the service provider station. The customer station also includes an audio transmitting and receiving device which is connected to an audio receiving device and an audio transmitting device at the service provider station. Claim 1 further recites that the customer station includes a pneumatic tube carrier delivery and receiving device that is selectively operated to move a carrier between the customer station and the service provider station.

The Action asserts that Domain has a system which includes an audio transmitting device and an audio receiving device that can be operated by an order clerk at the clerk station (26). The Action further asserts that the clerk in Domain has a pneumatic transfer system terminal which

communicates with a pneumatic transfer terminal at the customer station (14). The Action further asserts that the customer station of Domain includes audio transmitting and receiving devices that are connected with such devices at the clerk station. The Action further asserts that the customer stations include a visual display (66), and a camera (58) which enables the clerk to view the customer.

It is admitted in the Action that in the system of Domain there is no camera at the clerk station, i.e., there is no SP CCTV camera. The alleged “display” (66) at the customer station of Domain is actually a sign board (Column 12, lines 24-31). Furthermore, the other display (56) at the customer station of Domain is a “split screen” display only showing goods available and goods ordered (Column 11, lines 43-56). Hence, neither “display” at the customer station of Domain is in connection with a clerk station (SP) camera, as is specifically recited in claim 1. Therefore, an image of the clerk is not displayed on a customer station display of Domain. Therefore, the customer is unable to view the clerk. Therefore, Domain lacks specific recited features which, as explained more fully below, the Action does not address.

The Action asserts that Ishida shows a system which has two-way video. In Ishida a “guide” at the center station can be seen by persons at the remote station if the guide chooses to make himself or herself visible (Column 10, lines 51-57). It is asserted in the Action that it would be obvious to one of ordinary skill in the art to modify Domain so as to enable the clerk in Domain for “directly seeing the customer in the SP station” and providing the “image to display on the display.” It is asserted in the Action that the motivation for doing this would be to “provide the identification of the customer and the selected order to the service provider faster.” Applicants respectfully traverse these assertions.

First it should be pointed out that the Action interprets the Domain reference backwards. In the Domain reference it is the clerk who can see the customer through the camera (58) at the customer order station (14). (Column 11, lines 57-68). The Action indicates that the customer in Domain can see the clerk and not vice versa. This is plainly incorrect. Therefore, the Action's alleged modification of Domain with the center station display of Ishida for "directly seeing the customer in the SP station" is unnecessary.

In Domain clerks can see out a window (28) to view the customer at the customer order station (Column 10, lines 33-38). Indeed Domain is very much like a conventional outdoor drive-through banking system as discussed in the Background Art portion of the Specification. Domain includes a camera (58) at the customer station because of the number of outdoor customer order stations and because by using the camera the clerk is enabled to get a better view of the customer.

As noted above, the Examiner admits in the Action that "Domain fails to particularly disclose" the recited "SP CCTV camera." Hence, the display at the customer station of Domain is not in connection with a clerk station (SP) camera, as is recited. Therefore, the clerk is not displayed on the customer station display, and the customer is unable to view the clerk.

Ishida does not alleviate the deficiencies of Domain. Applicants respectfully submit that it would not have been obvious to produce Applicants' system from the teachings of Domain and Ishida. Specifically there is no teaching, suggestion or motivation to combine features of Ishida with the system of Domain. Further it is respectfully submitted that the assertion in the Action that modifying Domain so that the clerk could see the customer to speed the transaction is incorrect.

Claim 1 specifically recites pneumatic tube carrier delivery and receiving devices at both the service provider and customer stations. Pneumatic tube carriers are used for transporting relatively small items a limited distance. Because of this limited distance, transport capability of pneumatic tube carrier systems are conventionally used in environments where the service provider and the customer can see each other. This is exactly the type of system in Domain where the clerks and the customers can see each other through the window (28) (Column 10, lines 33-38).

The Ishida system does not involve a pneumatic tube carrier. The Ishida system involves a center station and remote stations that are far apart and connected only by an ISDN line: In the Ishida system the center station and remote terminals could be in different parts of the world. It would be impossible to implement a pneumatic tube carrier system in the system of Ishida because pneumatic tube carriers could not be transported over the great distances which separate the center station and remote stations of Ishida.

Because pneumatic tube carriers as specifically recited in claim 1 are inherently used for local transport, their operation generally involves a direct visual sight line between the service provider and the customer. Domain has this as well. Because the customers in Domain can see the clerks through the window (28) there is no need or motivation for anyone to modify the Domain system to include a feature where the customer may see the clerk on a display at the customer terminal. Domain clearly states that "The clerk units are located above the order stations to provide visual contact between the order clerk employees of the Vendors' Complex manning the units and one or more customers accessing the order station from their vehicles

(column 3, lines 46-50). That is, there is already visual contact between the customer and the clerk. Therefore, the customer can already see the clerk.

Furthermore, to modify the Domain system so that the image of the clerk would be displayed on the customer's terminal would destroy an important functional feature of Domain. The customer order station of Domain has a display (56) that is connected to a microprocessor terminal. This microprocessor terminal displays a split screen which gives the customer possible order selections and concurrently displays to the customer the items that they have ordered along with the cost thereof (Column 11, lines 43-56). If Domain were to be modified so that the image of the clerk were displayed on the customer station, the customer would no longer be presented with the listings of available items to purchase, or the purchase and cost information that the customer needs to carry out their order transactions. Such a modification would destroy the operability of the Domain system.

A reference teaching away from the recited invention does not support *prima facie* obviousness. It is improper to reconstruct the invention from the disclosure of the Applicants. An obviousness rejection cannot be based on a combination of features in references if making the combination would result in destroying the utility or advantage of the device shown in the prior art references. *In re Fine*, 5 USPQ2d 1598-99 (Fed. Cir. 1988).

Furthermore, the Ishida system involves a center station and remote stations that have indoor displays. However, the customer station of Domain is in an outdoor environment. There is no teaching, suggestion, or motivation anywhere in the Ishida reference for using the remote station display (11) in an outdoor environment. Therefore, it is not seen how Ishida's delicate electronic display device (11), designed for indoor use only, could be used in Domain's outside

unprotected environment to display the image of the clerk. Therefore, Applicants respectfully submit that it would not have been obvious to produce Applicants' system from the teachings of Domain and Ishida.

Furthermore, the split (dual) screen display in Domain is not indicated to be capable of displaying a tri-screen display of goods available, goods ordered, and the image of the clerk. Such a tri-screen capability would be required in the Action's alleged modification of Domain. Nor has any reason or motivation been provided as to why the customer would need to see the image of the clerk on their display.

Nevertheless, even if it were somehow technically possible to modify Domain to include a camera at the clerk station connected to a tri-screen display at the customer station for displaying the image of the clerk at the customer station, such an elaborate arrangement would be cost prohibitive. Such an arrangement, if somehow possible, would result in higher hardware costs, higher employee costs, and unnecessary customer delays, all of which would be directly contrary to, and teach away from, the "efficient and cost effective manner" (see Domain's claims) of Domain's operation. For example, Domain strictly requires a reduction in start-up costs (Column 1, lines 6-68) and a reduction in maintenance costs (Column 1, lines 28-32). As a matter of fact, Domain strongly desires "reducing any or all" costs (Column 1, line 68 to Column 2, line 2). Additionally, Domain desires efficient movement of vehicle traffic. Sometimes a "vehicle proceeding toward the order stations is stopped in the stacking area 154 of the routing lanes until one of the order station lights displayed by the order station control display 152 turns green" (Column 16, lines 32-35). Applicants assert that any displaying of the image of the clerk at the customer station would only result in further delay, because of unnecessary conversations,

teenager meetings, etc., for the next awaiting customer. Therefore, modification of Domain as alleged in the Action, may also result in disgruntled customers. This would be directly contrary to Domain's desire for an operation that "enables consumers to receive their desired goods and services in a fast and convenient manner" (Column 1, lines 56-60). As a result, there is no teaching, suggestion or motivation anywhere in the Domain reference for making a system like that claimed by Applicants.

Applicants' claim 1 recites features which are neither disclosed nor suggested in the applied art, and there is no teaching, suggestion or motivation cited so as to produce Applicants' invention. The features recited in Applicants' claim 1 patentably distinguish over the applied references. Neither Domain nor Ishida disclose nor suggest the features that are specifically recited in claim 1.

As nothing in the cited art discloses nor suggests the features that are specifically recited in claim 1, and because there is no teaching, suggestion or motivation cited for combining features of the applied references so as to produce Applicants' invention, it is respectfully submitted that claim 1 is allowable for these reasons. It is also respectfully submitted that the claims dependent on claim 1 are further allowable for these reasons. Hence, Applicants' claims patentably distinguishes over the applied art. Therefore, it is respectfully submitted that the 35 U.S.C. § 103(a) rejections have been overcome.

## **Claim 2**

Claim 2 depends from claim 1 and further recites that the building in which the system is operated comprises a wall. Claim 2 further recites that at least one of the components of the

customer station is mounted in supporting connection with the wall. This is a feature of the exemplary embodiment that provides a space saving construction for the customer station by building it into the interior wall of the building.

The Action acknowledges that neither Domain nor Ishida show any form of customer station which is built into a wall of a building. In the case of Domain the customer order terminals (14) are positioned in a manner similar to drive through banking terminals and are positioned on islands on the outside of the building. In the case of Ishida all the remote terminals and center terminals are in enclosures which are supported on the floor of the respective rooms. None of the components are built into a wall. The Action asserts that to support the customer station on a wall would be a matter of "design choice." The Action cites Domain at Column 9, lines 45-60 as supporting this assertion. However the cited portion of Domain merely indicates that the central warehouse facility of the system of Domain may have two or three floors. This disclosure is not pertinent to the invention recited in claim 2.

As discussed at length in the Specification of the present invention, supporting at least some of the components of the customer station on a building wall saves valuable floor space. Nothing in the cited art discloses or suggests this feature and it is therefore respectfully submitted that claim 2 as well as all the claims that depend therefrom (3-11 and 18-23) are further allowable for this reason.

### **Claim 3**

Claim 3 depends from claim 2 and further recites that the wall which supports at least some components of the customer station is an interior building wall. As previously discussed in

connection with claim 2, nothing in any of the cited art discloses or suggests components of any customer station in supporting connection with a wall. Nothing in any of the cited art discloses or suggests the value of using a pneumatic tube system in connection with servicing customers that are located within an interior area of a building and which are separated from a service provider by an interior building wall. As discussed in the Specification, pneumatic tube systems are conventionally used to service customers that are located outside of a facility such as in a drive through banking environment. This is the manner in which Domain also uses a pneumatic carrier transport. Nothing in any cited art discloses or suggests the benefits of using a pneumatic tube system in connection with servicing customers in an interior area of a building who walk up to customer stations that are supported on interior building walls. In addition, customers at such interior customer stations may be serviced by service providers located within the same facility that are nonetheless out of sight and secure from the public who may access the customer stations.

As nothing in the cited art discloses or suggests these features, it is respectfully submitted that claim 3 is further allowable on this basis.

### **Claim 12**

Claim 12 depends from claim 1. Claim 12 further recites that the system of the claimed invention includes a plurality of customer stations which are operatively connected and serviced by a single service provider station. Claim 12 further recites that the service provider station includes a communication selector device which enables the service provider to control the video

and audio connections between the service provider station and any one of the customer stations.

Nothing in the cited art discloses or suggests this.

It is asserted that item (74) of Domain is a communication selector. This is not correct.

Item (74) in Domain is an intercom located at the pickup station where the customer picks up the goods that they ordered. The intercom (74) enables the customer to speak with the person who is loading the dumbwaiter elevator that delivers the goods to them (Column 13, lines 1-11). Device (74) does not enable a clerk to selectively communicate with different customer stations. Rather it is specifically indicated that the system of Domain has one clerk station for each customer station. That is, in the preferred embodiment, six customer order stations (14) and six clerk stations (26) (Column 11, lines 33-36; Column 15, lines 17-19).

The Action is clearly incorrect in asserting that the intercom device (74) enables the clerk to achieve selective audio and video connections with any one of the plurality of customer order stations. Indeed Domain expressly states that there is one order clerk for each order station. For these reasons it is respectfully submitted that the cited art fails to teach or suggest the features specifically recited in claim 12 and that this claim as well as claim 13 that depends therefrom is further allowable for this reason.

### **Claim 13**

Claim 13 depends from claim 12 and further recites that at least one customer station includes a sensor. Claim 12 further recites that the sensor is operative to sense a person positioned adjacent a customer station. Claim 13 further recites that the service provider station

includes an indicator which gives an indication of the presence of a person adjacent the customer terminal. The cited art does not include this.

Domain is a system for servicing customers located in vehicles. To the extent that the system of Domain senses that a customer requires service at a customer order station, this is done through the use of magnetic sensors (Column 16, lines 39-46). These magnetic sensors are operative only to sense a vehicle. They do not sense a person as is specifically recited in claim 13. As has been previously discussed it is a useful aspect of the exemplary embodiment that the system is used in an interior environment where customers may walk up to use the stations. For this reason it is advantageous that the customer terminals include a sensor for sensing persons. Such a magnetic sensor of the type disclosed in Domain does not have this capability. No art cited in any way teaches or suggests modifying the system of Domain so as to sense a person (instead of a metal vehicle that can be sensed by a magnetic sensor) adjacent to a customer order terminal. Indeed to modify the Domain system in this way would defeat a fundamental aspect of Domain which is to provide a complex where customers can purchase goods and services without ever having to leave their vehicles (Column 9, lines 37-45).

As nothing in the cited art discloses or suggests the features specifically recited in claim 13, claim 13 is further allowable on this basis.

#### **Claim 14**

Claim 14 depends from claim 1 and further recites a video switching device in operative connection with a service provider station. Claim 14 further recites that the video switching device is operative to selectively establish video connections between the camera at the service

provider station and the customer video display on the customer station. Nothing in the prior art discloses or suggests this.

As previously discussed in connection with claim 12, Domain specifically teaches that his system includes one customer order station for one order clerk station. For this reason there is no teaching, suggestion or motivation to modify Domain so as to enable connection between an order clerk station and any customer order station other than the one assigned to the clerk. The Action acknowledges this but asserts however that Ishida has a controller (104) which enables the "guide" at the center station of Ishida to communicate with various terminals. Applicants respectfully traverse this assertion because there is absolutely no teaching, suggestion or motivation anywhere in the cited references to modify the system of Domain to operate in the manner recited in the claim. Simply because a video switching device may exist in the prior art, this does not mean that the prior art teaches to combine such a feature into a system as claimed by Applicants. As discussed in connection with claim 1 to modify Domain so that the image of the order clerk is presented on the display of the customer order terminal, would defeat the operability of the Domain system. Because combining this feature recited in claim 1 as part of the Domain system, would render the Domain system inoperative, there can be no teaching, suggestion or motivation to include a video switching device to selectively provide an image of the order clerk at various other customer order terminals in the Domain system. For all these reasons it is respectfully submitted that claim 14 is further allowable.

### Claim 15

Claim 15 depends from claim 14 and further recites that the system of the exemplary embodiment includes a video material presenting device. This video material presenting device is operative to generate video signals. For example in the exemplary embodiment the video material presenting device provides advertising or promotional materials. Claim 15 further recites that the video switching device is in operative connection with the video presenting device (as well as with the camera at the service provider station by virtue of the features recited in claim 14). Claim 15 further provides that the video switching device is operative to selectively connect the video material presenting device to the visual display at the customer stations. This enables the video switching device to present at the customer station either the advertising or promotional output from the video material presenting device or the image of the service provider, responsive to the control of the video switching device by the service provider. Nothing in any of the cited art discloses or suggests this.

The Action asserts that Ishida contains a video material presenting device which is referenced as Item (14) in Figure 1. This is not correct. Item (14) in Figure 1 is the interface to the ISDN line of the center station (Column 5, line 15). Nothing about this interface comprises a video material presenting device which presents video materials as recited in the claims. Ishida has no video presenting device like that of the claimed invention that presents preprogrammed advertising or promotional material to customers. Nothing in Ishida has such a video material presenting device connected to a video switching device controlled by a service provider which enables the service provider to display at a customer station the video material from the video material presenting device or the image of the service provider. Indeed Ishida only provides a

single control panel that the “guide” at the center station can use to connect to selected end terminals.

Claim 15 is further patentably distinguishable over the cited art because none of the cited references include a system with a separate video material presentation device connected to a video switching device to select a customer video display, and in which a switching device may be used by a service provider to either cause the image of the service provider or the output material from the presenting device to be presented on a display of a customer station. For these reasons claim 15 as well as claims 16-17 which depend therefrom are further patentably distinguishable over the cited art.

#### **Claim 16**

Claim 16 depends from claim 15 and further recites that the video switching device is operative to selectively connect the customer visual display to either the video material presenting device or the camera at the service provider station. As previously discussed in connection with claim 15, nothing in any of the cited references provides such video material or which has this capability. Therefore, it is respectfully submitted that claim 16 is further allowable on this basis.

#### **Claim 17**

Claim 17 depends from claim 16 and further recites that the video material presenting device comprises a computer that is in operative connection with a data store. Claim 17 further recites that the data store includes data representative of video material. Claim 17 further recites

that the computer is in connection with a data transmission line and that the video material is changeable through the data transmission line.

In the Action it is asserted that Ishida includes a computer that is in operative connection with a data store. It is asserted in the Action that this element is labeled (2416). However as shown in connection with Figure 25 and as expressly stated at Column 17, lines 38-45, this element is a video recorder. The video recorder is operative to record the transactions that occur between the "guide" and persons at the end user terminals. There is absolutely no suggestion whatsoever in Ishida or Domain of using this video recorder to present material at displays that are viewed by customers. Indeed this video recorder records activity that goes on in the system. It does not provide an output to customers.

Claim 17 further recites that the video material which is presented to customers is remotely changeable. Nothing in Domain or Ishida suggests that material which is presented to customers is recorded in a data store and is remotely changeable as specifically recited in the claim. Ishida's video recorder does not present material at all. The function of the video recorder is to record the transaction activity. Changing this material in Ishida as recited in claim 17 would cause it to no longer reflect the transactions which have occurred. This would defeat a fundamental purpose of having the video recorder in the Ishida system.

For all these reasons it is respectfully submitted that claim 17 is further patentably distinguishable over the cited art.

### **Claim 18**

Claim 18 depends from claim 3 and further recites that the building in which the system is housed includes a secure room. The service provider station is housed in the secure room and the customer station is disposed within the building outside the secure room.

In the Action it is asserted that the clerk order stations (26) of Domain are a secure room. However there is no teaching or suggestion in Domain that the area where the clerks are housed is in fact secure. Indeed as has been pointed out previously, the clerk order stations are positioned behind a window (28) that enables the clerks and the customers to see each other. Such a direct line of vision between the customers and the order clerks suggests that the clerks are not secure. Indeed a customer with a rifle can see the clerk and may engage in threatening activities so as to conduct a robbery. These factors clearly suggest that the Domain system does not include housing the service provider in a secure room. Furthermore, the Domain system does not have the features recited in claim 3 in which both the customer station and the service provider station are located within the same interior building area, and service providers are protected by being in a separate and secure room within the interior area.

For these reasons claim 18 as well as claim 19 that depends therefrom are further allowable on this basis.

### **Claim 19**

Claim 19 depends from claim 18 and further recites that the system includes a number of customer stations. Claim 19 further recites that all of these customer stations are in the building in which the secure room occupied by the service providers is also located.

As previously discussed in connection with numerous claims, the Domain system provides customer order stations (14) which are located on the outside of a building. Order clerks are housed at order clerk stations (26) inside the building. This arrangement is of the type found in conventional drive through banking applications discussed in the Specification. Nothing in the cited art discloses or suggests having customer stations and service provider stations all within an interior area of a building, and providing a secure room within that building from which the service providers can operate, exchange items with and communicate through two-way video and audio with customers as is specifically recited in the claims. It is therefore respectfully submitted that claim 19 is further allowable on this basis.

#### **Claim 24**

Claim 24 depends from claim 1 and further recites that the system has a plurality of customer stations that are connected with a single service provider station. Claim 24 further recites that each customer station includes a device that is actuatable by a customer at the customer station. Claim 24 further recites that the system includes a queuing device at the service provider station. The queuing device is connected to the customer actuatable devices. Claim 24 further recites that the queuing device is operative to generate an order which includes data representative of a time sequence in which the actuatable devices at the customer stations were actuated. Claim 24 further recites that the queuing device is operative to indicate data responsive to the order that is produced.

This feature of the invention enables the service provider to know which customers first approach the respective customer stations that the service provider is responsible for servicing.

The queuing device in the exemplary embodiment is operative to advise the service provider which customer station to service next, based on the customer's time of arrival.

In the Action it is asserted that Domain has a queuing device. This is clearly incorrect. As previously pointed out, the system of Domain has six (6) customer order stations and six (6) order clerk stations. In the system of Domain the vehicles are stacked up in a single line based on directions that are given as the vehicles enter the drive through order facility. Vehicles then move out of the single line into the first order station that indicates that it is available. This is done based on red and green lights above each order station. The red or green color of the lights is determined based on whether the station is open to accept a vehicle to drive in and place an order (Column 16, lines 19-46). As a result, in the Domain system customers are serviced based on their position and how their vehicles line up in a single line.

Nothing in Domain or Ishida discloses or suggests the features recited in claim 24. Specifically claim 24 recites that a single service provider services a plurality of customer stations. This is unlike the one-to-one relationship required by Domain. In addition nothing in Domain or Ishida discloses or suggests a customer actuatable device at a customer station which a customer actuates to provide a signal to a queuing device, and which queuing device then generates order data indicative of a time sequence at which the actuating device at the plurality of customer stations were actuated. As nothing in any of the cited art discloses or suggests these features, claim 24 as well as claims 25-27 which depend therefrom are further patentably distinguishable on this basis.

### **Claim 25**

Claim 25 depends from claim 24 and further recites that the service provider station includes a communication selector unit which places the service provider station in communication with selected customer stations. Claim 25 further recites that the selector unit operated by the service provider is connected to the queuing device. The queuing device operates to remove from the order data the customer station in response to the selector unit operating to place the service provider station in communication with the customer station.

As previously discussed, nothing in Domain discloses or suggests such a queuing device or communication selector unit. Further nothing in Domain discloses or suggests nor provides any reason, to include a queuing device that removes from queuing data a particular customer station as a result of communication being established with the station. Domain discloses a system in which the order of service is established by having vehicles in a single line. Customer order stations are indicated as occupied until the vehicle pulls away. Communication with a customer order station has no bearing on any queuing device or queuing data provided thereby. For all these reasons claim 25 as well as claims 26-27 that depend therefrom are further patentably distinguishable over the cited art.

### **Claim 26**

Claim 26 depends from claim 25 and recites that the customer actuatable device at the customer stations is a customer presence sensor. Claim 26 further recites that the queuing device operates to defer placing data representative of a customer at the station in the queuing order while that customer station and the service provider station are in video and audio

communication. There is absolutely nothing like this in any of the cited art, and claim 26 is further allowable on this basis.

### **Claim 27**

Claim 27 depends from claim 26 and further recites that the queuing device is operative to place data representative of a customer station in the queuing order again after the presence sensor ceases to sense the customer adjacent to the customer station (after the customer station and service provider station are in communication) and thereafter again senses a customer. In other words, the feature of the exemplary embodiment of the invention is that the queuing device indicates that another customer is positioned adjacent to the customer station and the customer station should be put in the queuing order. This is done responsive to the fact that the customer station and the service provider have been in communication, and then the sensor ceases to sense that customer adjacent to the customer station. This feature avoids putting customer stations in the queuing order by sensing the presence of a customer who remains adjacent to the customer station to organize their papers after a transaction. As nothing in Domain or Ishida discloses or suggests anything of this type, it is respectfully submitted that claim 27 is further patentably distinguishable over the cited art.

### **Claim 28**

Claim 28 recites exemplary features of Applicants' transaction system. The claimed invention relates to a transaction system including a customer station. The customer station is produced by a particular method. The method includes the steps of producing an opening in an

interior building wall, and positioning a frame in the opening in supporting connection with the wall. The method further includes positioning a transaction component in supporting connection with the frame. The method further includes mounting a cover, having a component opening, in supporting connection with the wall in overlying relation of the wall opening. An advantage of an exemplary embodiment of the invention is that the customer station can be installed in an interior of a building, in a process that is similar to installing a door and a door frame. The construction provides a customer station that occupies minimal floor space and is easy to install and service.

Nothing in the cited art discloses or suggests the recited features in claim 28. Nothing in Domain or Ishida discloses or suggests positioning a frame in an interior building wall opening. Nothing in Domain or Ishida discloses or suggests positioning a transaction component in supporting connection with the frame. Nothing in Domain or Ishida discloses or suggests mounting a cover, having a component opening, in supporting connection with the wall in overlying relation of the wall opening.

Furthermore, the Action admits (at page 5, lines 8-11) that the combination of Domain and Ishida fails to particularly disclose a frame and a cover.

In the Action there is no citation of any authority or basis for the assertion that the prior art includes producing a customer station through the method recited in claim 28. Indeed there is no prior art that discloses producing such a customer station through the method recited. It is therefore respectfully submitted that claim 28 as well as claims 29-37 that depend therefrom are patentably distinguishable over the cited art.

### **Claim 37**

Claim 37 depends from claim 28 and further recites that the transaction component is either a visual display, a customer CCTV camera, a customer audio transmitting device, a customer audio receiving device or a customer carrier device. As previously discussed in connection with claim 28, nothing in Domain or Ishida discloses or suggests positioning a transaction component in supporting connection with a frame extending in an interior building wall opening. Additionally, nothing in Domain or Ishida discloses or suggests positioning any of the specific transaction components recited in claim 37. Therefore, it is respectfully submitted that claim 37 is further allowable on this basis.

### **The Invention is Not Obvious in View of the Combination of Features in Domain, Ishida, and Hain**

#### **The Hain Reference**

Hain is an outdoor kiosk enclosure for a drive through ATM (10). Customers wishing to use the ATM drive up adjacent to the kiosk (12). Customers can use the ATM from inside their vehicle. The kiosk sits on an island or base (14). (Column 2, lines 50-54).

Occasionally the ATM requires servicing. A service person enters an interior area of the kiosk to service the ATM through a door (18). The note dispensing unit (20) which dispenses currency to users of the ATM, and the depository unit (22) which accepts deposits, are attached to a safe door (72) of the ATM. To access the dispenser and depository units, the safe door must

be pivoted 180° from its closed position shown in Figure 5 to the open position shown in Figure 6.

To enable the safe door to swing 180°, a rotatable quarter cylinder portion (58) may be moved outward from the kiosk. The outer portion of the quarter cylinder portion (58) has a planar wall (60). The planar wall sits flush with the outside of the kiosk when the quarter cylinder portion is retracted. The planar wall (60) is attached to the outer wall of the kiosk through hinges (66). The quarter cylinder portion rotates about the hinges. Moving the quarter cylinder portion outward to the position shown in Figure 6 allows the service person enough room inside the kiosk to open the safe door on the ATM (Column 3, lines 35-55).

**The Pending Claims Are Not Obvious in View of the Applied Art**

In the Action claims 4-11, 20-23, and 30-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Domain in view of Ishida and Hain. The Action however does not provide Applicants with the benefit of a claim-by-claim analysis and the basis for the assertions made. Rather the Action presents a single rejection for 19 different claims. For this reason Applicants are unable to fully address the Action and speculation is required as to where the Patent Office believes that the features of the invention are found in the cited art. Further there is lack of any citation in the prior art to any teaching, suggestion or motivation to combine features in the manner asserted in the Action.

Applicants have attempted to respond to the assertions in the Action to the extent possible, but request clarification and a further opportunity to address any rejections once a basis for rejection of each individual claim has been presented.

Applicants traverse these rejections on the grounds that Applicants' claims recite features which are neither disclosed nor suggested in the prior art and because there is no teaching, suggestion or motivation to combine any features of the applied references so as to produce Applicants' invention. The features recited in Applicants' claims patentably distinguish over the applied references.

It is asserted in the Action that it would be obvious to incorporate features of the Hain device with Domain and Ishida to provide features for assembling the customer station of the present invention. The asserted motivation for doing this is said to be to provide a secure way for the customer picking up the order. Applicants respectfully traverse this assertion.

Applicants first wish to point out that their claims against which the Hain reference is cited includes a structure for a customer station at which the customer conducts transactions. That is, the claims specifically recite that the structure is located at the customer station. A useful aspect of the claimed construction is to provide a customer station that occupies minimal floor space and is easy to install and service. The accessing of the customer station that is done by moving a cover, as described in the claims, is done for purposes of servicing, not for providing customer security.

Furthermore, the Domain system customers do not receive their goods at the customer order station (14). Rather in Domain the customer is directed to drive to one of nine pickup stations and the goods they have purchased are delivered to the particular pickup station through a dumbwaiter elevator (Column 19, line 22-Column 20, line 10). Thus Domain has no reason for providing enhanced security at customer order stations while picking up goods, because goods are not delivered there. Furthermore, the customers at the order stations place their orders from

inside of their vehicles. The customers at the order stations already have the security of being in their vehicles. The structure of Hain is not capable of being used to provide security for vehicles. Therefore, the structure of Hain is not capable of being used at a customer order station of Domain.

Any modification of Domain to provide structure at the “picking up” of the orders would occur at a pickup station (16), not at an order station (14) (i.e., the alleged customer station of Domain). However, Applicants’ claims specifically recite that the claimed structure is located at the customer station. Hence, the alleged modification of Domain would occur at the wrong station. Therefore, the Action’s alleged modification of Domain with security structure would not occur at the customer station, as is recited. The assertion in the Action that there would be motivation to modify Domain to provide a secure way for a customer to pick up an order misapprehends the teachings of Domain as well as the nature of the claimed invention.

For these reasons it is respectfully submitted that the Action fails to specify any teaching, suggestion or motivation for making the claimed combination. The features recited in Applicants’ claims patentably distinguish over the applied references.

#### **Claim 4**

All of the claims that have been rejected based on the asserted combination of Domain, Ishida, and Hain depend directly or indirectly from claim 1, and it is asserted that these claims are allowable on the same basis as claim 1.

Claim 4 depends from claim 2 and further recites that the customer terminal includes a frame. Claim 2 further recites that the building wall includes an opening and that the frame is in

supporting connection with the wall and extends in the opening. Claim 4 further recites that at least one of the components of the customer terminal is in supporting connection with the frame.

The Action asserts that the ATM in Hain is a customer terminal like that claimed by Applicants. Applicants respectfully disagree. There is no teaching, suggestion or motivation anywhere to combine the ATM of Hain with a two-way audio and two-way video system and a pneumatic transfer apparatus. The Action cites no teaching, suggestion or motivation to make such a combination. For this reason it is respectfully submitted that claim 4 as well as all the other claims against which Hain has been cited, patentably distinguish over the cited art.

The Action asserts that Hain includes a frame (74). The Action further asserts that the wall of the kiosk includes an opening (58) and that the purported frame is in supporting connection with the wall and extends in the opening. This is incorrect. The asserted frame (74) is a frame which holds the currency dispenser device (20) and a depository (22) for accepting deposits on a safe door (72) of the ATM safe (24). (Column 4, lines 33-40). The part cited as an opening is actually the quarter cylinder portion (58) which may move in an opening in the wall (17) of the kiosk (12), but is not itself an opening. Furthermore, the frame (74), which holds the currency dispenser and the depository in the ATM safe of Hain, is not supported on the wall (17) of the kiosk (12) through which the quarter cylinder portion (58) moves. The frame (74) is in connection with the ATM safe door (72) so that when the door is in the closed position the currency dispenser and depository are locked in the ATM safe.

The Action further asserts that Hain discloses that at least one of a customer visual display, customer CCTV camera, customer audio transmitting device, customer audio receiving device or customer carrier device is in supporting connection with this frame. There is no such

disclosure in Hain, and the frame in Hain is not in connection with any such devices. Further placing such devices in connection with the frame of Hain would result in such devices being located inside the safe (24) of the ATM where they could not be operated or seen by a user during operation. As can be appreciated, such devices in the customer terminal of the recited invention must be accessed and operated by the customer in order for the system to be useful.

As the Hain reference fails to disclose the features recited in claim 4 and there is no teaching, suggestion or motivation to combine features of Hain with any of the other references so as to produce the claimed invention, it is respectfully submitted that claim 4 as well as claims 5, and 7-9 which depend therefrom are further allowable on this basis.

#### **Claim 5**

Claim 5 depends from claim 4 and further recites that the customer terminal includes a cover. The cover is movably mounted on the frame and is movable to enable access to the opening. Such features are not disclosed or suggested in Hain.

The Action asserts that the safe door (72) of the ATM safe (24) of Hain is a cover. It is asserted that this cover is movably mounted in supporting connection with the wall of the kiosk. This assertion is clearly incorrect as the safe (24) is not supported on a kiosk wall. The safe door (72) is instead movable on the safe itself. The Action further asserts that this safe door cover overlies at least one of the customer visual display, customer CCTV camera or customer carrier device when in operation. As previously discussed, this assertion is clearly incorrect. Nothing in any of the cited art suggests, nor is it asserted in the Action, that the safe door (72) of Hain is movable to access an opening which supports such components of a customer terminal. Indeed

the components of Hain are so different from those recited in the pending claims that it is impossible to even address the nature of the rejection.

Claim 5 recites a movable cover which is movably mounted on the frame which supports components of the customer terminal of the invention in an opening. This cover is enabled to be moved to enable access to the opening and the components of the terminal. As nothing in the cited art discloses or suggests these features, claim 5 is further allowable on this basis.

### **Claim 6**

Claim 6 depends from claim 2 and further recites that the customer terminal includes a cover that is supported by the wall, and is movable between a first position and a second position. Claim 6 further recites that in the first position in which the cover is closed, the cover overlies at least one of the visual display, camera or pneumatic carrier of the customer terminal. It is further recited that the cover includes at least one opening such that in the closed position of the cover, the component which the cover overlies is manually accessible by a customer so that it is enabled to be operated by the customer. It is further recited in claim 6 that in the second position the cover is disposed from the component rendering the component accessible for servicing.

In the Action the safe door (72) of the ATM safe is asserted to be the cover. As previously discussed in connection with numerous claims, this cover does not overlie a visual display, camera or pneumatic carrier device. Nor does this safe door of Hain include an opening therethrough that enables a customer to operate a component through the cover in its closed

position. As all of these features recited in claim 6 are neither disclosed nor suggested in Hain, claim 6 is further allowable on this basis.

### **Claim 7**

Claim 7 depends from claim 4 and further recites that the frame which supports at least one of the visual display, camera, audio transmitting device, audio receiving device or pneumatic carrier device of the customer station is a door frame. Nothing in the cited art discloses or suggests this.

As explained in the Specification, a useful aspect of the present invention is that the customer station is built around a door frame. A door may be mounted in the frame until such time as it is desired to turn the space into a customer station. When this is done the door may be removed and the door frame may be used as the mounting for the components of the customer station. Nothing in Hain discloses anything like this.

The Action asserts that Hain has a “door frame” (78). A close reading of Hain however shows that this element (78) is actually a side plate part of the frame (74) which is attached to the safe door of the ATM safe (Column 4, lines 1-7). Hain clearly does not show a door frame as recited in claim 7. Further, nothing in Hain discloses or suggests having such a frame support at least one of a display, camera, audio transmitting device, audio receiving device or pneumatic carrier device of a customer station. For all these reasons it is respectfully submitted that claim 7 as well as claim 8 that depends therefrom, is further patentably distinguished over the cited art.

### **Claim 8**

Claim 8 depends from claim 7 and recites that the customer station further includes a hinge operatively connected to the door frame. Claim 8 further recites that the cover is movably mounted relative to the frame through the hinge. Nothing in Hain discloses or suggests this.

The Action mentions that the safe door (72) and the side plate (78) of the frame (74) attached thereto, is movably mounted on a hinge (73). However this does not meet the limitation of the claim wherein a door frame is recited, and wherein a cover is recited as movably mounted to a door frame through a hinge. Nothing in the cited art discloses or suggests these features specifically recited in claim 8, and claim 8 is further patentably distinguishable over the cited art on this basis.

### **Claim 9**

Claim 9 depends from claim 4 and further recites that the frame bounds the opening in the wall. Claim 9 further recites a subframe in supporting connection with the frame, and that the subframe extends in the opening. Claim 9 further recites that at least one of the display, camera or carrier device of the customer station is in supporting connection with a subframe.

In the Action it is asserted that a clamping means (86) of Hain serves as a subframe. This is incorrect. Hain states that the element (86) is a clamping means that holds the side plate (78) to the safe door (Column 4, lines 13-15). The Action further asserts without citation to any authority, that this subframe supports at least one of a display, camera or pneumatic carrier device of the customer station. Again there is no support for this assertion, nor is there any teaching or suggestion in Hain of the elements recited in claim 9.

For the foregoing reasons claim 9 is further patentably distinguishable over the cited art.

### **Claim 10**

Claim 10 depends from claim 6 and further recites that the cover of the customer station includes a generally horizontally extending shelf which enables a customer to conduct writing or other activities. Nothing in Hain discloses or suggests this.

In the Action it is asserted that element (100) of Hain is a horizontally extending shelf. This is not correct. As Hain explains, element (100) is a cassette that is used for holding currency in a dispenser mechanism of the ATM (Column 5, lines 20-22). This cassette is located inside the ATM safe and dispenses money therefrom. It would be impossible for a customer to conduct any writing or to even gain access to such a cassette. Indeed the whole purpose of the safe (24) of the ATM in Hain is to prevent customers from gaining access to such components.

As nothing in the cited art discloses or suggests the features specifically recited in claim 10, claim 10 is further patentably distinguishable.

### **Claim 11**

Claim 11 depends from claim 6 and further recites that the cover of the customer station includes at least one storage location. Claim 11 further recites that articles are enabled to be stored in the storage location. This corresponds to the storage locations in the exemplary embodiment of the cover that may be used for holding items such as deposit slips, betting slips, or other items. Nothing in the cited art discloses or suggests this.

In the Action it is again asserted that the currency cassette (100) of the ATM of Hain is also a storage location as well as a writing shelf. This shows a fundamental misunderstanding of the nature of Hain as well as the present invention. Nothing in Hain discloses or suggests a cover

overlying a display, camera, pneumatic carrier device or similar components of a customer station, and which cover is movable to provide access for servicing. Likewise nothing in the cited art discloses or suggests such a construction with a cover that includes storage locations for holding articles for the convenience of the customers. For these reasons it is respectfully submitted that claim 11 is further patentably distinguishable over the cited art.

#### **Claim 20**

Claim 20 depends from claim 2 and recites that the customer station is produced by a particular method. The method includes the steps of producing an opening in the wall, and positioning a frame in the opening in supporting connection with the wall. The method further includes positioning at least one of the display, camera, audio transmitting device, audio receiving device or pneumatic carrier device of the customer station in supporting connection with the frame. Nothing in the cited art discloses or suggests this.

In the Action there is no citation of any authority or basis for the assertion that the prior art includes producing a customer station through the method recited in claim 20. Indeed there is no cited art that discloses producing such a customer station through the method recited. It is therefore respectfully submitted that claim 20 as well as claims 21-23 that depend therefrom are further patentably distinguishable over the cited art.

#### **Claim 21**

Claim 21 depends from claim 20 and further recites that the customer station includes a cover. Claim 21 further recites that the method of producing a customer station includes the step

of movably mounting the cover in supporting connection with the wall such that the cover is movable between a first position overlying the opening and a second position in which the cover is disposed from the opening.

As is the case with claim 20, the Action cites no authority to support the contention that such a method of producing a customer station as recited in claim 2 and through the recited method steps, is known or suggested in any prior art. It is therefore respectfully submitted that claim 21 as well as claims 22-23 that depend therefrom, are further allowable for this reason.

### **Claim 22**

Claim 22 depends from claim 21. Claim 22 further recites that the step of movably mounting the cover to the frame includes operatively connecting the cover to the frame through a hinge. Nothing in the cited art discloses or suggests such a method step, and claim 22 is further patentably distinguishable on this basis.

### **Claim 23**

Claim 23 also depends from claim 21. Claim 23 further recites that in the first position of a cover in which position the cover closes the opening, the cover is in abutting relation with the wall and generally extends in surrounding relation of the frame. Again nothing in the cited art discloses or suggests this and claim 23 is further patentably distinguishable on this basis.

### Claim 30

Claim 30 depends from claim 28. In claim 28 the customer station is produced by a particular method. The method includes the steps of producing an opening in an interior building wall, and positioning a frame in the opening in supporting connection with the wall. The method further includes positioning a transaction component in supporting connection with the frame. The method further includes mounting a cover, having a component opening, in supporting connection with the wall in overlying relation of the wall opening. Claim 30 further recites movably mounting the cover in connection with the wall through a hinge connection. Nothing in Hain discloses or suggests this. Therefore, Hain does not alleviate the deficiencies of Domain and Ishida.

As previously discussed (e.g., see discussion in connection with claim 4), Hain's frame (74), which holds the currency dispenser and the depository in the ATM safe, is not supported on the wall (17) of the kiosk (12) through which the quarter cylinder portion (58) moves. The frame (74) is in connection with the ATM safe door (72) so that when the safe door is in the closed position the currency dispenser and depository are locked in the ATM safe. Hence, Hain does not disclose positioning a frame in a wall opening of an interior building wall, as is recited in claim 28.

Also, Hain does not disclose positioning a transaction component in supporting connection with the frame in an interior building wall opening, as is recited in claim 28. Furthermore, placing a transaction component in connection with the frame of Hain would result in such component being located inside the safe (24) of the ATM where it could not be operated or seen by a user during operation. As can be appreciated, such a transaction component in the customer station of the recited invention must be accessed and operated by the customer in order

for the system to be useful. Nothing in Hain discloses or suggests the recited steps of claim 28. Hence, the claims which depend from claim 28 are further allowable on this basis. Therefore, Hain does not alleviate the deficiencies of Domain and Ishida.

The Action alleges a cover (safe door 72) movably mounted on a hinge (73). However this does not correspond to the features of claim 30 which recites positioning a frame in a wall opening of an interior building wall, and movably mounting the cover to the wall through a hinge. Nothing in the cited art discloses or suggests these features specifically recited in claim 30. Again nothing in the cited art discloses or suggests these features and claim 30 is further patentably distinguishable on this basis.

### **Claim 31**

Claim 31 depends from claim 30 and further recites the step of releasably locking the cover in the first position. As previously discussed in connection with claim 30, nothing in Domain or Ishida or Hain discloses or suggests positioning a frame in a wall opening of an interior building wall and positioning a transaction component in supporting connection with the frame. Additionally, nothing in Domain or Ishida or Hain discloses or suggests releasably locking the cover as recited in claim 31. Therefore, it is respectfully submitted that claim 31 is further allowable on this basis.

### **Claim 32**

Claim 32 depends from claim 31 and further recites that the cover in the first position extends in generally abutting relation with the wall and in surrounding relation of the frame. As

previously discussed in connection with claim 31, nothing in Domain or Ishida or Hain discloses or suggests positioning a frame in a wall opening of an interior building wall and positioning a transaction component in supporting connection with the frame. Additionally, nothing in Domain or Ishida or Hain discloses or suggests having the cover when in the first position, extend in generally abutting relation with the wall and in surrounding relation of the frame, as recited in claim 32. Therefore, it is respectfully submitted that claim 32 is further allowable on this basis.

#### **Claim 33**

Claim 33 depends from claim 28 and further recites framing the opening with an opening bounding frame, and positioning the transaction component in connection with the bounding frame. As previously discussed in connection with claim 30, nothing in Domain or Ishida or Hain discloses or suggests positioning a frame in a wall opening of an interior building wall and positioning a transaction component in supporting connection with the frame. Additionally, nothing in Domain or Ishida or Hain discloses or suggests framing the opening with an opening bounding frame, and positioning the transaction component in connection with the bounding frame, as recited in claim 33. Therefore, it is respectfully submitted that claim 33 is further allowable on this basis.

#### **Claim 34**

Claim 34 depends from claim 33 and further recites supporting a subframe in supporting connection with the bounding frame, and positioning the transaction component in supporting

connection with the subframe. As previously discussed in connection with claim 33, nothing in Domain or Ishida or Hain discloses or suggests positioning a frame in a wall opening of an interior building wall and positioning a transaction component in supporting connection with the frame. Additionally, nothing in Domain or Ishida or Hain discloses or suggests supporting a subframe in supporting connection with the bounding frame, and positioning the transaction component in supporting connection with the subframe, as recited in claim 34. Therefore, it is respectfully submitted that claim 34 is further allowable on this basis.

#### **Claim 35**

Claim 35 depends from claim 33 and further recites that the bounding frame comprises a door frame, and the opening is framed by the door frame. As previously discussed in connection with claim 33, nothing in Domain or Ishida or Hain discloses or suggests positioning a frame in a wall opening of an interior building wall and positioning a transaction component in supporting connection with the frame. Additionally, nothing in Domain or Ishida or Hain discloses or suggests that the bounding frame comprises a door frame, and the opening is framed by the door frame, as recited in claim 35. Therefore, it is respectfully submitted that claim 35 is further allowable on this basis.

#### **Claim 36**

Claim 36 depends from claim 35 and further recites engaging a subframe extending in the opening between two upright portions of the door frame, and positioning the transaction component in connection with the subframe. As previously discussed in connection with claim

35, nothing in Domain or Ishida or Hain discloses or suggests positioning a frame in a wall opening of an interior building wall and positioning a transaction component in supporting connection with the frame. Additionally, nothing in Domain or Ishida or Hain discloses or suggests engaging a subframe extending in the opening between two upright portions of the door frame, and positioning the transaction component in connection with the subframe, as recited in claim 36. Therefore, it is respectfully submitted that claim 36 is further allowable on this basis.

**New Claims 38-46 Submitted Herewith  
Also Patentably Distinguish Over the Cited Art**

Nine new claims have been submitted herewith. Each of these claims recite features of exemplary embodiments of the present invention which are neither disclosed nor suggested in the cited art.

**Claim 38**

Claim 38 recites the features that are included in claims 1, 2, and 3. Claim 38 is patentably distinguishable over the cited art for the same reasons as claims 1, 2, and 3.

Claim 38 additionally recites that a component of the customer station is positioned within the interior area of the building and in supporting connection with an interior wall.

As previously discussed in connection with claims 1, 2, and 3, Domain and the other cited references do not teach or suggest a system with two-way video, two-way audio and pneumatic tube carrier communication between a customer and a service provider within an interior area of a single building. Nothing in the cited art discloses having a customer component positioned within the interior area of the same building as the service provider station. Such

construction is totally contrary to uses of pneumatic tube systems and two-way audio and video communication systems in the prior art. For all these reasons it is respectfully submitted that claim 38 further patentably distinguishes over the cited art.

**Claim 39**

Claim 39 depends from claim 38 and further recites that the system includes a customer station positioned within the interior area of the building. Nothing in the cited art discloses the advantages of having a system with a customer station positioned in the same building as a service provider station. For all these reasons it is respectfully submitted that claim 39 further patentably distinguishes over the cited art. Therefore, it is respectfully submitted that claim 39 is further allowable on this basis.

**Claim 40**

Claim 40 depends from claim 39 and further recites that the system includes a plurality of customer stations positioned within the interior area of the building. Nothing in the cited art discloses the advantages of having a system with a plurality of customer stations positioned in the same building as a service provider station. For all these reasons it is respectfully submitted that claim 40 further patentably distinguishes over the cited art. Therefore, it is respectfully submitted that claim 40 is further allowable on this basis.

### **Claim 41**

Claim 41 recites features that are included in claims 1, 2, and 4. Claim 41 is patentably distinguishable over the cited art for the same reasons as claims 1, 2, and 4.

As previously discussed in connection with claims 1, 2, and 4, Domain and the other cited references do not teach or suggest a system having a customer station component in connection with a frame in a building wall opening. For all these reasons it is respectfully submitted that claim 41 further patentably distinguishes over the cited art.

### **Claim 42**

Claim 42 depends from claim 41 and further recites that the wall is an interior wall extending in an interior area of the building, and the component is positioned within the interior area in connection with the interior wall. Nothing in the cited art discloses the advantages of having a system with a customer station component in connection with a frame extending in a wall opening in the interior area of the building. For all these reasons it is respectfully submitted that claim 42 further patentably distinguishes over the cited art. Therefore, it is respectfully submitted that claim 42 is further allowable on this basis.

### **Claim 43**

Claim 43 recites features that are included in claims 1, 2, and 6. Claim 43 is patentably distinguishable over the cited art for the same reasons as claims 1, 2, and 6.

As previously discussed in connection with claims 1, 2, and 6, Domain and the other cited references do not teach or suggest a system having a customer station component enabled to be operated by a customer through an opening in a cover which is movably mounted in

supporting connection with a building wall, and in which the component is accessible for servicing when the cover is disposed. For all these reasons it is respectfully submitted that claim 43 further patentably distinguishes over the cited art.

**Claim 44**

Claim 44 depends from claim 43 and further recites that the wall is an interior wall extending in an interior area of the building, and the component is positioned within the interior area in connection with the interior wall. Nothing in the cited art discloses the advantages of having a system with a customer station component accessible through an opening in a cover movably mounted with an interior wall in the interior area of the building. For all these reasons it is respectfully submitted that claim 44 further patentably distinguishes over the cited art. Therefore, it is respectfully submitted that claim 44 is further allowable on this basis.

**Claim 45**

Claim 45 recites features that are included in claims 1, 2, and 20. Claim 45 is patentably distinguishable over the cited art for the same reasons as claims 1, 2, and 20.

As previously discussed in connection with claims 1, 2, and 20, Domain and the other cited references do not teach or suggest a system having a customer station produced by a method which includes producing an opening in a building wall, positioning a frame in the opening in connection with the wall, and positioning the at least one component in connection with the frame. For all these reasons it is respectfully submitted that claim 43 further patentably distinguishes over the cited art.

### **Claim 46**

Claim 46 depends from claim 45 and further recites that the wall is an interior wall extending in an interior area of the building, and the component is positioned within the interior area in connection with the interior wall. Nothing in the cited art discloses the advantages of a system having a customer station component in connection with a frame positioned in an interior wall in the interior area of the building. For all these reasons it is respectfully submitted that claim 46 further patentably distinguishes over the cited art. Therefore, it is respectfully submitted that claim 46 is further allowable on this basis.

### **Allowed Claim**

Claim 29 was not rejected in the Action. The allowance of claim 29 is greatly appreciated.

### **Fees For Additional Claims**

Please charge the fees associated with the submission of three additional independent claims and nine claims in excess of twenty claims (\$396) and any other fee due to deposit account 04-1077.

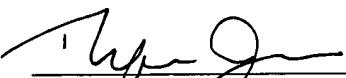
### **Conclusion**

Each of Applicants' pending claims specifically recite features and relationships that are neither disclosed nor suggested in any of the cited art. Furthermore, there is no teaching, suggestion or motivation cited for combining features of the applied references so as to produce

Applicants' invention. Allowance of all of Applicants' pending claims is therefore respectfully requested.

The undersigned will be happy to discuss any aspect of the Application by telephone at the Examiner's convenience.

Respectfully submitted,



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